

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

MDL No.:  
Dkt. No 1:13-md-2419 (RWZ)

This Document Relates to:

*Taylor v. Ameridose, LLC, et al.*  
No. 1:13-cv-12673 (RWZ)

and

All Cases Naming the STOPNC  
Defendants

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**STIPULATION AND NOTICE OF CORRECTION REGARDING  
STOPNC DEFENDANTS' FED. R. CIV. P. 12(b)(6) MOTION TO DISMISS FOR  
NONCOMPLIANCE WITH TENN. CODE ANN. § 29-26-122 [Dkt. 2871]**

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Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC"); Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; and Vaughan Allen, MD ("STOPNC Defendants") previously moved this Court, under Fed. R. Civ. P. 12(b)(6), for an Order dismissing all actions, with prejudice, in which Plaintiffs failed to comply with Tenn. Code Ann. § 29-26-122.<sup>1</sup>

A list of the cases to which the Motion applied was included within the Motion on pages one (1), two (2), and Exhibit 1.<sup>2</sup> The cases were also listed on pages four (4) and five (5) of the supporting Memorandum of Law.<sup>3</sup>

The case filed by Barbara and Lanny Taylor, No. 1:13-cv-12673 was mistakenly included on the list of cases subject to dismissal. Accordingly, the parties stipulate and

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<sup>1</sup> Dkt. 2871.

<sup>2</sup> Dkt. 2871-1.

<sup>3</sup> Dkt. 2872.

agree that *Taylor v. Ameridose, LLC, et al.*, No. 1:13-cv-12673 should be stricken and removed *nunc pro tunc* from the STOPNC Defendant's Motion, Exhibit, and supporting Memorandum of Law.<sup>4</sup> *Taylor v. Ameridose, LLC, et al.*, No. 1:13-cv-12673 is not among the cases the STOPNC Defendants seek to dismiss for failure to satisfy the certificate of good faith requirements of the Tennessee Health Care Liability Act.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

**C.J. Gideon, Jr.\***

**Chris J. Tardio\***

**Alan S. Bean\*\***

**Matthew H. Cline\***

315 Deaderick Street, Suite 1100

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (515) 254-0459

[chris@gideoncooper.com](mailto:chris@gideoncooper.com)

***Attorneys for the STOPNC Defendants***

**SHUTTLEWORTH WILLIAMS, PLLC**

/S/ Michael G. Derrick by permission

**Michael G. Derrick (#14820)\***

[mderrick@shuttleworthwilliams.com](mailto:mderrick@shuttleworthwilliams.com)

22 North Front Street, Suite 850

Memphis, Tennessee 38103

(901) 526-7399

**Robert W. Briley (#18560)\***

[rbriley@shuttleworthwilliams.com](mailto:rbriley@shuttleworthwilliams.com)

401 Church Street, Suite 2700

Nashville, Tennessee 37219

(615) 833-3390

***Attorneys for Barbara and Lanny Taylor***

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<sup>4</sup> The Parties do not intend to litigate the STOPNC Defendants' Motion to Dismiss, in light of the Court's May 23, 2016 stay of the proceedings. The Parties file this stipulation to ensure clarity in the record that *Taylor* is not subject to dismissal for procedural errors.

\* Admitted pursuant to MDL Order No. 1.

\*\* Admitted *pro hac vice*.

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 26th day of May, 2016.

/s/ Chris J. Tardio

**Chris J. Tardio**